

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIO ATKINS,

Plaintiff,

v.

INTEGRATED MANAGEMENT
SYSTEMS,

Defendant.

CASE NO. C06-1144 RSM

ORDER DEFERRING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on defendant's Motion for Summary Judgment. (Dkt. #21). Defendant argues that plaintiff's claims for wrongful termination should be dismissed because defendant had legitimate, nondiscriminatory reasons to terminate plaintiff. Defendant also argues that plaintiff's claims for age discrimination, racial discrimination, and retaliation should also be dismissed because plaintiff has failed to establish any evidence to support those claims. Plaintiff, appearing pro se, responded by submitting a one-page response. In his response, plaintiff claims that defendant terminated his employment without good cause, but offers no evidence to support his claim.

Having reviewed defendant's motion, plaintiff's one-page response, defendant's reply, and the remainder of the record, the Court hereby finds and ORDERS:

(1) Defendant's Motion for Summary Judgment (Dkt. #21) is DEFERRED.

(2) Pursuant to Local Rule CR 7(b)(2), "[e]ach party opposing [a] motion shall, within the time prescribed in CR 7(d), file with the clerk, and serve on each party that has

1 appeared in the action, *a brief in opposition to the motion, together with any supporting*
2 *material of the type described in subsection (1).*” (Emphasis added). Local Rule CR 7(b)(1)
3 provides, “[i]f the motion requires consideration of facts not appearing of record, the movant
4 shall also serve and file copies of all *affidavits, declarations, photographic or other evidence*
5 *presented in support of the motion.*” (Emphasis added).

6 In the instant case, plaintiff has submitted a one-page response to defendant’s motion
7 that only contains conclusory allegations that defendant terminated plaintiff’s employment
8 without good cause. (Dkt. #26). However, plaintiff indicates that he possesses evidence to
9 prove his case against defendant. *Id.* As a result, this Court will permit pro se plaintiff to file
10 a responsive brief that conforms with the requirements set forth in Local Rule CR 7(e)(3).
11 Plaintiff is directed to attach the evidence or documentation to support his position to this
12 brief. Plaintiff’s response shall be due by December 3, 2007. Failure to adhere to this Court’s
13 Order may be deemed as an admission that defendant’s motion has merit.

14 (2) The Clerk is directed to RENOTE defendant’s Motion for Summary Judgment
15 (Dkt. #21) to December 7, 2007. This Court will allow defendant to reply to plaintiff’s
16 response by the new noting date. Alternatively, defendant is permitted to stand by their
17 original reply filed with this Court on November 9, 2007.

18 (3) The Clerk is directed to forward a copy of this Order to all counsel of record and
19 to pro se plaintiff at the following address: 1922 9th Ave #505, Seattle, WA 98101.

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21 DATED this 20 day of November, 2007.

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23 RICARDO S. MARTINEZ
24 UNITED STATES DISTRICT JUDGE
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